



DEPARTMENT OF BUILDING AND DEVELOPMENT
STAFF REPORT

PLANNING COMMISSION PUBLIC HEARING

DATE OF HEARING: June 19, 2006

CASE NUMBER/CASE NAME: ZOAM 2006-0002,
Implementation of the Route 50 Task Force Landscaping Recommendations
DECISION DEADLINE: NONE

ELECTION DISTRICT: Dulles

PROJECT PLANNER:

Mark Stultz

EXECUTIVE SUMMARY

For the purpose of implementing the landscaping recommendations included in Appendix 1-A (“Loudoun County Entrance Gateway Guidelines”) of the Route 50 Task Force Final Report, dated July 2005, revisions are proposed to the Revised 1993 Loudoun County Zoning Ordinance (“the Ordinance”). The amendment would apply to properties along and within the portion of the Route 50 corridor extending from the Loudoun County/Fairfax County line to Lenah Road on the south side, and Lenah Farm Lane on the north side of Route 50. The amendment proposes to revise the buffering, screening, and landscaping requirements along and adjacent to Route 50 for the purpose of providing a uniform landscaped, boulevard theme. More specifically, the amendment proposes to 1) require a 100 foot wide buffer yard; 2) revise the number of plant types currently required; 3) increase the size of the plants at the time of planting; 4) provide a list of permitted plants; and 5) revise the current structure requirement. The Ordinance Sections affected include: Section 5-900, *Setbacks from Specific Roads and the W&OD Trail*; Section 5-1400, *Buffering and Screening*; and Section 3-900, *Commercial Light Industry (CLI) Zoning District* regulations.

I. BACKGROUND

In response to a growing concern regarding the appearance of the Route 50 corridor, the Board of Supervisors appointed the Route 50 Task Force in late 2004, to identify issues and make recommendations that would help create an attractive gateway to Loudoun County. The Task Force consisted of 15 members from various organizations including property owners, area residents, developers, and representatives of heritage and cultural resource groups, the Economic Development Commission, and the Loudoun Convention and Visitors Association. In July of 2005, the Route 50 Task Force presented their Final Report to the Loudoun County Board of Supervisors, which included a series of recommendations concerning planning policies, zoning ordinance regulations, transportation planning, design guidelines, tourism and utilities. Appendix A of the Task Force Final Report includes a document entitled “Entrance Gateway Guidelines”, prepared by Lewis Scully Gionet Landscape Architects, that includes the landscaping guidelines endorsed by the Task

Force. This document is included as Attachment 4.

At their October 18, 2005 Business Meeting, the Board of Supervisors directed staff to seek outside consultant assistance to review and make a recommendation on ordinance language necessary to implement the landscape recommendations included in the Entrance Gateway Guideline Appendix. Since that time, County staff and Task Force members have conducted work sessions to identify amendments to the Zoning Ordinance that would be needed to accomplish such implementation. Given the progress made, Staff believes that the amendments can be completed without the need for consultant assistance.

At their April 4, 2006 Business Meeting, the Board of Supervisors adopted a Resolution of Intent to Amend the Zoning Ordinance to implement the landscaping recommendations of the Route 50 Task Force.

II. SUMMARY OF PROPOSED TEXT CHANGES

The following is a brief description of the specific revisions proposed to the Revised Zoning Ordinance. Attachments 1 through 3 include the draft text language proposed by staff.

A. Revise the CLI Zoning District Regulations:

- 1. Section 3-905, *Lot Requirements*; Subsection (D), *Yards*; Paragraph (1), *Adjacent to Roads*** is proposed for revision to be consistent with the proposed 100 foot Type 5 Buffer Yard along Route 50 and the proposed provision to allow for an administrative reduction of the 100 foot Buffer Yard to 50 feet in certain circumstances. Section 3-905(D)(1) currently requires a 100 foot front yard adjacent to a primary highway (Route 50) in the CLI District. Currently, Section 3-907(K) allows for an administrative reduction of this 100 foot front yard to 50 feet. However, since this amendment proposes to replace the landscaping requirements in Section 3-907(K) with the Type 5 Buffer Yard in Section 5-1400, then the CLI front yard requirement will need amending to not conflict with ability to reduce the Type 5 Buffer Yard to 50 feet.
- 2. Section 3-907, *Performance Criteria*; Subsection (K), *Uniform Landscaping for Front Yard Areas Adjacent to a Primary Highway*** is proposed for revision to delete the current landscaping requirements and include a reference to the Type 5 Buffer Yard. The Type 5 Buffer Yard proposed in Section 5-1400 would replace the current landscaping requirements in the CLI Zoning District along Route 50.

B. Revise the Setbacks Applicable on Route 50 From the Fairfax County Line to Route 659:

- 1. Section 5-900, *Setbacks From Specific Roads and the W&OD Trail*; Subsection (A), *Building Setbacks From Roads*; Paragraph (3), *Route 50*; Subparagraph (a)** is proposed for revision to delete the 100 foot building setback along Route 50 from the Fairfax County line, west to Route 659. The

Type 5 Buffer Yard is proposed to require a 100 foot wide buffer, which would not permit buildings. Therefore, this setback requirement would be a duplicate regulation, which would conflict with the ability to administratively reduce the Type 5 Buffer Yard.

C. Revise the Buffering and Screening Regulations Applicable to the Route 50 Corridor:

- 1. Section 5-1405, *Buffer Yards and Screening, General Provisions*; Subsection (A)** is proposed for revision to add a reference to Section 5-1406, as Section 5-1406 is proposed to include the requirement for the Type 5 Buffer Yard.
- 2. Section 5-1406, *Determination of Buffer Yard Requirements*; Subsection (E), *Special Situations, Paragraph (2)*** is proposed for revision to clarify that the Buffer Yard Type 3 with a 4 foot landscaped earthen berm required for property adjoining any existing or planned arterial road would not apply where the Type 5 Buffer Yard is required.
- 3. Section 5-1406, *Determination of Buffer Yard Requirements*; Subsection (E), *Special Situations, Paragraph (4)*** is proposed to be added to require the Type 5 Buffer Yard for any property that adjoins Route 50 from the Fairfax County line to Lenah Farm Lane on the north side, and Lenah Road on the south side of Route 50. This Section also clarifies that the buffering and screening requirements in Section 5-1414(A) and 5-900(C) would not apply where the Type 5 Buffer Yard is required.
- 4. Section 5-1414(B)(5), *Buffer Yard Type 5*** is proposed to be added to include the requirements for the Type 5 Buffer Yard. This Section specifies: 1) the minimum buffer yard width, 2) the required plant types per 100 linear feet, 3) the minimum plant sizes at the time of planting, 4) the required plant locations, 5) a reference to the permitted plant list, 5) the requirements for a linear element (structure), 6) the process to administratively reduce the Type 5 Buffer Yard width, and 7) the provision of other landscaping and screening requirements within the Type 5 Buffer Yard.
- 5. Section 5-1414(C)(5), *Permitted Type 5 Buffer Yard Plants*** is proposed to be added to list the various species and cultivars of plants that are permitted to meet the required landscaping in the Type 5 Buffer Yard.

III. ISSUES

- A. Applicability of Other Yard and Setback Requirements.** The Zoning Ordinance district regulations require a 100 foot yard from the right-of-way of arterial roads, to include Route 50. In addition, Section 5-900(A)(3) requires a 200 foot building setback and a 100 foot parking setback along Route 50 from

Route 659 west to the Fauquier County line. The draft text proposes revisions to the CLI district yard requirement along Route 50 and the 100 foot setback required by Section 5-900 along Route 50 from the Fairfax County line to Route 659. However, the draft text has not been revised to address the other district yard requirements and the Section 5-900 setback requirements that apply from Route 659 west to Lenah Farm Lane and Lenah Road. While these other yard and setback requirements don't conflict with the proposed Type 5 Buffer Yard, they will conflict with the proposed provision to allow for an administrative reduction of the 100 foot Type 5 Buffer Yard to 50 feet. Therefore, the issue is whether the draft text should state that only the Type 5 Buffer Yard applies along Route 50 from the Fairfax County line to Lenah Farm Lane and Lenah Road, which would allow for the administrative reduction.

IV. ZONING ORDINANCE CRITERIA FOR APPROVAL

Section 6-1211(D) of the Loudoun County Zoning Ordinance states " ... for an amendment of the text of this Ordinance, the Planning Commission shall consider the following matters ... ":

Standard *Whether the proposed text amendment is consistent with the Comprehensive Plan.*

Analysis This amendment is proposed for the purpose of implementing Economic Policy 7 in Chapter 4 of the Revised General Plan, which states: "*The County will develop both regulatory and incentive-based aesthetic enhancement and environmental protection of business corridors, communities and gateways. For this purpose, it may use incentives such as density credits, property tax credits, adjustments in zoning or other requirements and priority processing of applications.*" In addition, the amendment is proposed to implement Tourism Policy 8 in Chapter 4 of the Plan, which states: "*The County will improve the gateways into Loudoun County, in coordination with the Towns, specifically focusing on the aesthetics of entrances into Loudoun County on Routes 15, 7, 50, 28, 9, 267, 606, and from Washington Dulles International Airport and Leesburg Executive Airports, as they have an immediate impact on visitor's impressions of Loudoun County.*" This amendment is found to be consistent with the Comprehensive Plan.

Standard *Whether the proposed text amendment is consistent with the intent and purpose of this Ordinance.*

Analysis The intent of this ordinance is defined under Section 1-102, which states: "*This Ordinance is enacted in order to promote the health, safety and welfare of the residents of Loudoun County and to implement the Loudoun County Comprehensive Plan*". Subsection (N) further states that the Ordinance is designed to "*facilitate the creation of a convenient, attractive and harmonious community.*" This amendment is found to be consistent with the intent and purpose of the Zoning Ordinance.

V. RECOMMENDED TEXT

Attachments 1 through 3 include the draft text language proposed by Staff, dated May 31, 2006.

VI. STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward ZOAM 2006-0002 to the Board of Supervisors with a recommendation for approval, upon resolution of any outstanding issues.

VII. SUGGESTED MOTIONS

- A. I move that the Planning Commission forward ZOAM 2006-0002 to amend Section 3-900, *CLI Zoning District*; Section 5-900, *Setbacks from Specific Roads and the W&OD Trail*; and Section 5-1400, *Buffering and Screening*, of the Revised 1993 Loudoun County Zoning Ordinance to the Planning Commission Committee of the Whole for further discussion and to address outstanding issues.
- B. I move that the Planning Commission forward ZOAM 2006-0002 to amend Section 3-900, *CLI Zoning District*; Section 5-900, *Setbacks from Specific Roads and the W&OD Trail*; and Section 5-1400, *Buffering and Screening*, of the Revised 1993 Loudoun County Zoning Ordinance to the Board of Supervisors with a recommendation for approval.
- C. I move an alternative motion.

VIII. ATTACHMENTS

Number	Description	Pages
1.	Recommended Text for Section 3-900, CLI Zoning District Regulations, dated May 31, 2006	A1-1 – A1-12
2.	Recommended Text for Section 5-900, Setbacks from Specific Roads and the W&OD Trail, dated May 31, 2006	A2-1 – A2-2
3.	Recommended Text for Section 5-1400, Buffering and Screening, dated May 31, 2006	A3-1 – A3-35
4.	Loudoun County Entrance Gateway Guidelines, Dated July 2005, Prepared by Lewis, Scully, Gionet, Inc.	A4-1 – A4-26